

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**[PROPOSED] ORDER GRANTING IN PART AND ADJOURNING IN PART
DEBTORS' MOTION FOR ENTRY OF AN ORDER (A) AUTHORIZING
ALTERNATIVE DISPUTE RESOLUTION PROCEDURES, (B) APPROVING
ADDITIONAL FORMS OF NOTICE, (C) APPROVING PROPOSED MAILING, AND
(D) GRANTING RELATED RELIEF**

Upon the *Motion For Entry Of An Order (A) Authorizing Alternative Dispute Resolution Procedures, (B) Approving Additional Form of Notice, (C) Approving Proposed Mailing, and (D) Granting Related Relief*, dated June 5, 2019 (the “Motion”),² of the Debtors for entry of an order

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² All capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

(the “Order”) authorizing alternative dispute resolution procedures, approving additional forms of notice, and approving a proposed mailing, as more fully described in the Motion; and this Court having jurisdiction over this matter pursuant to PROMESA section 306(a); and it appearing that venue is proper pursuant to PROMESA section 307(a); and the Court having found that the Proposed Mailing, as defined in the Proposed Motion, is in the best interests of the Debtors, their creditors, and other parties in interest; and the Court having found that, based upon the relief requested by the Debtors’ Motion, no other or further notice is required; and the Court having determined that the legal and factual bases set forth in the Debtors’ Motion establish just cause for the relief granted herein with respect to the Proposed Mailing; and, as stated on the record of the hearing held on July 24, 2019 (the “Hearing”), the Court having determined that consideration of the proposed ADR Procedures and forms of notice, as set forth in the Motion, should be adjourned pending the submission of revised proposed procedures and forms of notice; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED IN PART, to the extent set forth herein.
2. The Debtors’ Proposed Mailing, as defined in the Motion, is hereby approved.
3. The Debtors are authorized to mail the Proposed Mailing, the form of which is attached hereto as Exhibit 1, to any claimant who has not provided sufficient information to enable Debtors to process their claim. If the Debtors mail the Proposed Mailing to a claimant, and the claimant either does not respond or responds but fails to provide sufficient information to permit Debtors to reconcile their claim, the Debtors are authorized to object to the claim as deficient.
4. Consideration of the proposed ADR Procedures and forms of notice, as set forth in the Motion, is hereby ADJOURNED, pending the submission of revised proposed procedures and

forms of notice consistent with the Court's statements on the record of the Hearing.

5. The Debtors are authorized to take any and all actions reasonably necessary or appropriate to effectuate the relief granted pursuant to this Order in accordance with the Motion.

6. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: _____, 2019

Honorable Judge Laura Taylor Swain
United States District Judge

EXHIBIT 1

English and Spanish Versions of the Form of Proposed Mailing

Exhibit A Page 5 of 14
Commonwealth of Puerto Rico Supplemental Information Processing Center

850 3rd Avenue, Suite 412

Brooklyn, NY 11232

T: (844) 822-9231

PRClaimsInfo@primeclerk.com

***** Response Required *****

THIS LETTER RELATES TO A PROOF OF CLAIM YOU FILED AGAINST THE GOVERNMENT OF PUERTO RICO IN ITS PROCEEDINGS UNDER THE PUERTO RICO OVERSIGHT, MANAGEMENT, AND ECONOMIC STABILITY ACT.

PLEASE READ THIS LETTER CAREFULLY AND RESPOND IN ACCORDANCE WITH THE INSTRUCTIONS BELOW. FAILURE TO RESPOND MAY RESULT IN THE DEBTORS TAKING LEGAL ACTION TO FULLY OR PARTIALLY DISALLOW YOUR CLAIM.

[DATE], 2019

Re: PROMESA Proof of Claim
In re Commonwealth of Puerto Rico, Case No. 17-03283
United States District Court for the District of Puerto Rico

Dear Sir or Madam:

This letter relates to a proof of claim you filed in the Title III cases (the “Title III Cases”) against the Commonwealth of Puerto Rico, Puerto Rico Highways and Transportation Authority, or Employees Retirement System of the Government of the Commonwealth of Puerto Rico (collectively, the “Debtors”). Prime Clerk LLC, maintains the official claims register in the Title III Cases for the United States District Court in the District of Puerto Rico (the “Court”), and is reaching out to you on behalf of the Debtors.

The Debtors’ records reflect that you filed a proof of claim that was logged by Prime Clerk LLC as Proof of Claim Number <CLAIM NUMBER>. You may download a copy of your claim by visiting Prime Clerk’s website at: <https://cases.primeclerk.com/puertorico/Home-ClaimInfo>.

Additional information is required in order for the Debtors to continue with assessing your claim. The Debtors are unable to determine from the information you provided the basis for the claim you are attempting to assert against one or more of the Debtors. In responding to this letter, please ensure that you provide all of the information requested and as much detail as possible about your claim. The descriptions you put on your proof of claim were too vague for the Debtors to understand the claim you are trying to assert, so please provide more detail and do not simply copy over the same information.

Please respond to this letter on or before [DATE], 2019 by returning the enclosed questionnaire with the requested information and documentation.

Please send the completed form and any supporting documents via email to PRClaimsInfo@primeclerk.com, or by mail, hand delivery, or overnight mail to the following address:

Commonwealth of Puerto Rico Supplemental Information Processing Center
c/o Prime Clerk, LLC
850 3rd Avenue, Suite 412
Brooklyn, NY 11232

All supplemental information that you provide will be appended to your claim and appear on the official claims register. If you do not respond to this request and do not provide the requested information and documentation in support of your claim, the Debtors may be forced to object to your claim.

If you have any questions about this letter or your claim, please call: Prime Clerk LLC at (844) 822-9231 (toll free for U.S. and Puerto Rico) or (646) 486-7944 (for international callers), available 10:00 a.m. to 7:00 p.m. (Atlantic Standard Time) (Spanish available), or email PRClaimsInfo@primeclerk.com.

PLEASE NOTE: Prime Clerk, LLC is the claims and noticing agent in the Title III Cases, and cannot provide legal or financial advice.

Thank you,

Prime Clerk, LLC

Proof of Claim: <CLAIM NUMBER>

Claimant: <CLAIMANT NAME>

INFORMATION REQUESTED TO PROCESS YOUR CLAIM

Instructions

Please answer all four (4) questions and any applicable sub-questions. Please include as much detail as possible in your responses. **Your answers should provide more information than the initial proof of claim.** For example, if you previously wrote as the basis for your claim "Ley 96," please elaborate now on what specific laws you are purporting to rely on, the year the law at issue was passed, and how and why you believe this particular law provides a basis for your claim. Additionally, if available and applicable to your claim, please provide:

- Copy of a pleading, such as a Complaint or an Answer;
- Any unpaid judgment or settlement agreement;
- Written notice of intent to file a claim with proof of mailing;
- Any and all documentation you believe supports your claim.

Please send the completed form and any supporting documents via **email** to PRClaimsInfo@primeclerk.com, or by **mail or hand delivery** to the following address:

Commonwealth of Puerto Rico Supplemental Information Processing Center
c/o Prime Clerk, LLC
850 Third Avenue, Suite 412
Brooklyn, NY 11232

Questionnaire

1. What is the basis of your claim?

- A pending or closed legal action with or against the Puerto Rican government
 - Current or former employment with the Government of Puerto Rico
 - Other (Provide as much detail as possible below. Attach additional pages if needed.)
-

2. What is the amount of your claim (how much money do you claim to be owed):

3. Employment. Does your claim relate to current or former employment with the Government of Puerto Rico?

- No. *Please continue to Question 4.*
- Yes. **Answer Questions 3(a)-(d).**

3(a). Identify the specific agency or department where you were or are employed:

3(b). Identify the dates of your employment related to your claim:

3(c). Last four digits of your social security number: _____

3(d). What is the nature of your employment claims (select all applicable):

- Pension
 - Unpaid Wages
 - Sick Days
 - Union Grievance
 - Vacation
 - Other (Provide as much detail as possible. Attach additional pages if necessary).
-
-
-
-

4. Legal Action. Does your claim relate to a pending or closed legal action?

- No.
- Yes. **Answer Questions 3(a)-(e).**

4(a). Identify the department or agency that is a party to the action.

4(b). Identify the name and address of the court or agency where the action is pending:

4(c). Case number: _____

4(d). Title, Caption, or Name of Case: _____

4(d). Status of the case (pending, on appeal, or concluded): _____

4(e). Do you have an unpaid judgment? Yes / No (Circle one)

If yes, what is the date and amount of the judgment? _____

ANEXO 1

Versiones en inglés y en español del formulario del correo propuesto

Centro de procesamiento de información complementaria del Estado Libre Asociado de Puerto Rico

850 3rd Avenue, Suite 412

Brooklyn, NY 11232

Tel.: (844) 822-9231

PRClaimsInfo@primeclerk.com

*** Se requiere respuesta ***

ESTA CARTA SE RELACIONA CON UNA EVIDENCIA DE RECLAMACIÓN QUE RADICÓ CONTRA EL GOBIERNO DE PUERTO RICO EN LOS PROCEDIMIENTOS AL AMPARO DE LA LEY DE SUPERVISIÓN, ADMINISTRACIÓN Y ESTABILIDAD ECONÓMICA DE PUERTO RICO.

LEA ESTA CARTA CUIDADOSAMENTE Y RESPONDA SEGÚN LAS INSTRUCCIONES QUE SE INDICAN A CONTINUACIÓN. SI USTED NO RESPONDE, LOS DEUDORES PODRÁN TOMAR MEDIDAS LEGALES PARA QUE SU RECLAMACIÓN SEA TOTAL O PARCIALMENTE DESESTIMADA.

[FECHA], 2019

Asunto: Evidencia de reclamación en virtud de la ley PROMESA

En el caso Estado Libre Asociado de Puerto Rico, Caso No. 17-03283

Tribunal de Distrito de los Estados Unidos para el Distrito de Puerto Rico

Estimado/a:

Esta carta se relaciona con una evidencia de reclamación que usted radicó en los casos al amparo del Título III (los “Casos del Título III”) contra el Estado Libre Asociado de Puerto Rico, la Autoridad de Carreteras y Transportación de Puerto Rico, o Autoridad de Energía Eléctrica del gobierno del Estado Libre Asociado de Puerto Rico (en conjunto, los “Deudores”). Prime Clerk LLC mantiene el registro oficial de reclamaciones en los Casos al amparo del Título III para el Tribunal de Distrito de los Estados Unidos para el Distrito de Puerto Rico (el “Tribunal”), y se comunica con usted en representación de los Deudores.

Los registros del Deudor reflejan que usted ha radicado una evidencia de reclamación que ha sido anotada por Prime Clerk LLC con el número de Evidencia de Reclamación <número de Evidencia de Reclamación>. Usted puede descargar una copia de su reclamación visitando el sitio web de Prime Clerk en: <https://cases.primeclerk.com/puertorico/Home-ClaimInfo>.

Se requiere información adicional para que los Deudores continúen evaluando su reclamación. Con la información que usted ha proporcionado, los Deudores no pueden determinar los fundamentos de la reclamación que usted pretende formular contra uno o más de los Deudores. En respuesta a esta carta, asegúrese de proporcionar toda la información solicitada y todo el detalle posible sobre su reclamación. Las descripciones que incluyó en su evidencia de reclamación son demasiado imprecisas como para que los Deudores comprendan la reclamación que trata de formular; por ese motivo, proporcione más información y no se limite simplemente a copiar la misma información.

Responda a esta carta el [FECHA] de 2019 o antes, devolviendo el cuestionario adjunto con la información y documentación solicitada.

Envíe el formulario completado y la documentación de apoyo por correo electrónico a PRClaimsInfo@primeclerk.com, o por correo, entrega en mano, o servicio de correo postal de 24 horas a la siguiente dirección:

Centro de procesamiento de información complementaria del Estado Libre Asociado de Puerto Rico
c/o Prime Clerk LLC
850 3rd Avenue, Suite 412
Brooklyn, NY 11232

Toda la información complementaria que usted proporcione puede anexarse a su reclamación y aparecer en el registro oficial de reclamaciones. Si usted no responde a esta solicitud y no proporciona la información y documentación solicitadas para fundamentar su reclamación, los Deudores podrán verse en la obligación de objetar a su reclamación.

Si tiene alguna pregunta acerca de esta carta o su reclamación, llame al Prime Clerk LLC al (844) 822-9231 (llamadas sin cargo desde Estados Unidos y Puerto Rico) o (646) 486-7944 (para llamadas internacionales), disponible de 10:00 a.m. a 7:00 p.m. (Hora Estándar del Atlántico) (español disponible), o dirección de correo electrónico PRClaimsInfo@primeclerk.com.

NOTA: Prime Clerk, LLC es el agente de reclamaciones y notificaciones en los Casos al amparo del Título III y no puede proporcionar asesoramiento legal o financiero.

Atentamente,

Prime Clerk, LLC

Prime Clerk LLC

Centro de procesamiento de información complementaria del Estado Libre Asociado de Puerto Rico
850 3rd Avenue, Suite 412
Brooklyn, NY 11232
Tel.: (844) 822-9231
PRClaimsInfo@primeclerk.com

INFORMACIÓN SOLICITADA PARA PROCESAR SU RECLAMACIÓN

Instrucciones

Responda las cuatro (4) preguntas y sub-preguntas aplicables. Incluya el mayor nivel de detalle posible en sus respuestas. **Sus respuestas deben proporcionar más información de la que se incluye en la evidencia de reclamación inicial.** A modo de ejemplo, si usted escribió previamente como fundamento de su reclamación “Ley 96,” tenga a bien explicar ahora en qué leyes específicas pretende basar su reclamación, el año en que se aprobó la ley en cuestión, y cómo y por qué cree que esta ley en particular constituye un fundamento para su reclamación. Asimismo, si estuviera disponible y fuera aplicable a su reclamación, proporcione:

- Copia de un escrito inicial, como por ejemplo una Demanda o Respuesta;
- Una sentencia o acuerdo de conciliación sin pagar;
- Notificación por escrito de su intención de radicar una reclamación con constancia de envío por correo;
- Toda documentación que, a su juicio, fundamente su reclamación.

Envíe el formulario completado y documentos de apoyo por **correo electrónico** a PRClaimsInfo@primeclerk.com, o por **correo postal o entrega en mano** a la siguiente dirección:
Centro de procesamiento de información complementaria del Estado Libre Asociado de Puerto Rico

c/o Prime Clerk LLC
850 Third Avenue, Suite 412
Brooklyn, NY 11232

Cuestionario

5. ¿Cuál es el fundamento de su reclamación?

- Una acción legal pendiente de resolución o concluida con el gobierno de Puerto Rico o en contra de este
- Empleo actual o anterior en el gobierno de Puerto Rico
- Otro (indique con el mayor nivel de detalle. Adjunte páginas adicionales de ser necesario.)

6. ¿Cuál es el monto de su reclamación (cuánto dinero reclama que se le adeuda):

7. Empleo. ¿Su reclamo se relaciona con un empleo actual o anterior en el gobierno de Puerto Rico?

- No. *Pase a la Pregunta 4.*
- Sí. **Responda preguntas 3(a)-(d).**

3(a). Identifique el organismo o departamento específico en el que trabaja o trabajó:

3(b). Identifique las fechas de su empleo con relación a su reclamación:

3(c). Últimos cuatro dígitos de su número de seguro social:

3(d). Cuál es la naturaleza de sus reclamaciones de empleo (seleccione todo lo que sea aplicable):

- Jubilación
 - Salarios impagos
 - Días por enfermedad
 - Queja con el sindicato
 - Vacaciones
 - Otro (Proporcione el mayor nivel de detalle posible. Adjunte páginas adicionales de ser necesario).
-
-
-
-
-
-

8. Acción legal. ¿Su reclamación se relaciona con una acción judicial ya cerrada o pendiente de resolución?

- No.
- Sí. **Responda Preguntas 3(a)-(e).**

4(a). Identifique el departamento o agencia que es parte de esta acción.

4(b). Identifique el nombre y la dirección del tribunal o agencia donde la acción está pendiente de resolución:

4(c). Número de caso:

4(d). Título, epígrafe, o nombre del caso:

4(d). Estado del caso (pendiente de resolución, en apelación, o cerrado):

4(e). ¿Tiene usted una sentencia impaga? Sí / No (Marque una)

De ser así, ¿cuál es la fecha y el monto de la sentencia?
